

Vulcan Materials  
Wichita, Kansas

◦ Applicable Air Program Regulations

State

KAR 28-19-50           Opacity requirements.

KAR 28-19-31           Emission limitations for TSP, SO<sub>2</sub>, and NO<sub>x</sub>.

EPA

40 CFR Part 60, Subpart ~~60~~<sup>69</sup>: Standards of Performance for Stationary Gas Turbines.

40 CFR Part 61, Subpart M: National Emission Standards for Asbestos.

40 CFR Part 52.21: Prevention of Significant Deterioration (PSD) of Air Quality.

- PSD has been delegated to the State of Kansas.
- The Compliance Section inspects the company annually for compliance with the above regulations.
- EPA has primacy for New Source Performance Standards (NSPS), Asbestos (NESHAP), and PSD permits issued prior to delegation to the State.
- Vulcan uses asbestos in its electrolysis process for producing hydrogen and chlorine.
- The State of Kansas proposes to issue a PSD permit to Vulcan for construction of a cogeneration unit.
- The purpose of the unit is to generate electricity using a gas turbine and boiler to operate a steam turbine.
- EPA issued a permit for a similar cogeneration unit in July 1981. A new unit will double the company's electrical generating capacity.
- The pollutant emission of concern under PSD is nitrogen oxides.
- The State advertised its intent to issue a PSD permit on August 15, 1985. The public has 30 days to request a hearing on the permit. This period ends September 15, 1985.
- The State will issue the permit by October 15, 1985, unless a hearing is required.
- Fuel used will be natural gas.

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Superfund

## TOPE INVOLVEMENT -- VULCAN MATERIALS CO.

### RECENT ACTIVITIES:

July 25 and 26, 1985, TOPE conducted an inspection of the facility. The inspection was prompted by a citizen's complaint that PCBs were being incinerated without EPA approval.

August 12, 1985, a complaint was delivered to the Company for alleged incineration of PCBs without an EPA permit. A civil penalty of \$53,500 was proposed.

August 16, 1985, a meeting was held in the Regional Office between the Company and staff to discuss PCB disposal alternatives, and the effects of an incinerator shut down.

August 27, 1985, the Company contacted the Regional Office requesting both a meeting on September 6, 1985, and an extension to the deadline to request a hearing on the complaint. The time extension request was granted, and the September 6 meeting was tentatively rescheduled to late in the week of September 9.

### EXPECTED ACTIVITIES

It is anticipated TOPE and the Company will schedule one or more settlement conferences to resolve the EPA complaint. The settlement process should begin within two weeks. Once a settlement is reached, EPA will issue a Consent Agreement and Final Order which will define the final monetary penalty and actions the Company must take to mitigate the penalty.

Instead of a settlement conference, the Company also has the option to request a hearing before an Administrative Law Judge. The Judge would determine the accountability of both parties and set appropriate penalties.

Other actions that could be taken by EPA:

- ° Reach a Settlement with Conditions. Only TSCA-related conditions would apply.

- ° Request an injunction against further incineration.

- ° Impose criminal sanctions. Appropriate when there is a knowing and/or willing violation of the regulations.